

REMARKS

Claims 1-6 are pending and stand rejected. Claims 1, 3, and 4 have been amended.

Claim 1 is in independent form.

I. Examiner Interview:

Applicant would like to thank Examiner Grosso for conducting an Examiner Interview on April 28, 2010. During the interview, applicant and Examiner Grosso discussed the current rejection. While applicant provided reasons why the claims were patentable over the cited art, Examiner Grosso was not persuaded. During the interview, however, Examiner Grosso did suggest that if applicant amended the claims to claim the structure in more detail, it may be possible to overcome the rejection. To expedite prosecution, applicant has amended the claims, as suggested by the Examiner.

II. Claim Rejections:

Independent claim 1 stands rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,010,028 (Jordan), in view of U.S. Patent No. 5,884,679 (Hansen), and in further view of U.S. Patent No. 5,071,042 (Esposito). Applicant has amended claim 1 to clarify that the metal neck component that is seamed to the can body, is formed as a one-piece unit including a generally frusto-conical portion and a cylindrical portion joined to the frusto-conical portion *by a shoulder*, and that *the sleeve is at least partially supported by the seam and the shoulder*. Applicant submits that neither Jordan, Hansen, nor Esposito teach such a structure.

In that regard, Jordan does not teach a neck component having a shoulder, as claimed, nor does it teach a plastic sleeve that is supported by at least a seam, and the shoulder. Rather, Jordan teaches a metal neck component having a generally frusto-conical portion that merges directly into a cylindrical portion, and a plastic sleeve that fits over only the cylindrical portion. Because the frusto-conical portion of Jordan's neck component merges directly into the cylindrical portion, Jordan's container does not have a shoulder that joins the frusto-conical portion to the cylindrical portion, as claimed. Furthermore, because Jordan's container does not have a shoulder, it would not be possible for Jordan's container to have a sleeve that is supported by both the shoulder and the seam, as claimed. Therefore, Jordan does not teach applicant's claimed structure.

Similarly, Hanson does not teach a neck component having a shoulder, as claimed, nor does it even teach a neck component that is seamed onto a container body, as claimed. Rather Hanson teaches a unitary container structure having a generally frusto-conical portion that merges directly into a cylindrical portion. Because Hanson's container does not include a shoulder that joins the frusto-conical portion to the cylindrical portion and because Hanson's neck component and body are a unitary piece, Hanson's container could not include a sleeve that is supported by both a shoulder and a seam between the neck component and the body, as claimed. Therefore, Hanson also does not teach applicant's claimed structure.

Finally, Esposito does not even teach a neck component. Because Esposito does not teach a neck component, Esposito's container could not have a sleeve that is supported by a shoulder of the neck component, as claimed. Therefore, Esposito does not teach applicant's claimed structure.

For all of the forgoing reasons, applicant respectfully submits that claim 1 (and claims 2-6 which ultimately depend therefrom) are in condition for allowance. If the Examiner determines that a telephone conference would further the prosecution of this case, he is invited to telephone the undersigned at his convenience.

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